

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PENOVIA LLC,

Plaintiff,

v.

OKI DATA AMERICAS, INC.,

Defendant.

Case No. 2:13-cv-00424

PATENT CASE

JURY TRIAL DEMANDED

**AGREED MOTION TO DISMISS WITH
PREJUDICE, PURSUANT TO SETTLEMENT**

Pursuant to Fed. R. Civ. P. 41 and pursuant to a settlement agreement between the parties, Plaintiff Penovia LLC (“Penovia”) hereby moves to dismiss with prejudice Penovia's claims against Defendant OKI Data Americas, Inc. (“OKI Data”), with each party to bear its own costs, expenses and attorneys’ fees.

Dated: August 28, 2013

Respectfully submitted,

/s/ Craig Tadlock

Craig Tadlock

State Bar No. 00791766

Keith Smiley

State Bar No. 24067869

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Attorneys for Plaintiff NovelPoint Security LLC

CERTIFICATE OF CONFERENCE

I hereby certify that on August 28, 2013, I conferred by email with outside counsel for Defendant OKI Data, and counsel for OKI Data has agreed to the form and substance of this motion. Accordingly, this motion is an agreed motion.

/s/ Craig Tadlock
Craig Tadlock

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 28th day of August, 2013.

/s/ Craig Tadlock
Craig Tadlock